

4/11/18

10:32 A.M.

Chapter No. 43  
18/HR31/A811SG  
EH / CST

## ***HOUSE BILL NO. 1590***

Originated in House  Clerk

HOUSE BILL NO. 1590

AN ACT MAKING AN APPROPRIATION FROM GENERAL FUNDS IN THE  
STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE  
MISSISSIPPI PUBLIC SERVICE COMMISSION FOR THE FISCAL YEAR 2019.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be  
necessary, is appropriated out of any money in the State General  
Funds not otherwise appropriated, for the purpose of defraying the  
expenses of the Mississippi Public Service Commission for the  
fiscal year beginning July 1, 2018, and ending June 30, 2019 .....

.....	\$	4,389,907.00.
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**SECTION 2.** The following sum, or so much thereof as may be  
necessary, is appropriated out of any money in the special fund in  
the State Treasury to the credit of the Mississippi Public Service  
Commission which is comprised of special source funds collected by  
or otherwise available to the commission, for the purpose of  
defraying the expenses of the commission for the fiscal year  
beginning July 1, 2018, and ending June 30, 2019 .....

.....	\$	393,488.00.
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**SECTION 3.** Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	69
	Part Time .....	6
Time-Limited:	Full Time .....	5
	Part Time .....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2020 do not exceed Fiscal Year 2019 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2019 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2019 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2019 "Personal Services"

appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

**SECTION 4.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the

intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
Utility Regulatory Services	
Number of Utility Docket Cases	265
Total Number of Utility Complaints	4,675
Electric Complaints as a Percentage of Total (%)	48.00
Telecommunication Complaints as a Percentage of Total (%)	32.00
Water Complaints as a Percentage of Total (%)	10.00
Gas Complaints as a Percentage of Total (%)	8.00
Sewer Complaints as a Percentage of Total (%)	1.00
Average Cost per Utility Complaint (\$)	636.00
Time to Resolve Utility Complaints (Days)	3
Average Price of Electricity per Kilowatt Hour in Mississippi for Residential Customers, by Utility Type:	
Investor-owned Utilities (Cents/kWh)	0.11
Electric Cooperatives (Cents/kWh)	0.11
Average Price of Electricity for Residential Customers in Mississippi as a Percentage of the April 2016 National Avg. (12.43 c/kWh):	

Investor-owned Utilities (%)	86.95
Electric Cooperatives (%)	95.14
Average Monthly Residential Electric Usage in Mississippi (kWh)	1,251
Average Monthly Residential Electric Usage in Mississippi as a Percentage of the 2015 National Average, 909 kWh (%)	134.90
Number of Pipeline Inspections	650
Average Cost per Pipeline Inspection (\$)	883.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2020.

**SECTION 5.** None of the funds herein appropriated by this act to the Public Service Commission shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Mississippi Public Service Commission that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

**SECTION 6.** It is the intention of the Legislature that the Public Service Commission shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year

2018. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2020 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2019 budget request process.

**SECTION 7.** In addition to all other sums herein appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Public Service Commission to administer the Mississippi Telephone Solicitation Act, for the fiscal year beginning July 1, 2018, and ending June 30, 2019 .....

..... \$ 69,865.00.

**SECTION 8.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
Telephone "no-call"	
Number of No-Call Complaints	15,785
Average Cost per No-Call Complaint (\$)	20.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2020.

**SECTION 9.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

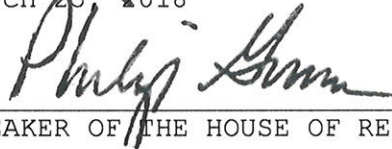
**SECTION 10.** It is the intention of the Legislature that the Public Service Commission shall compile the amount of time that is expended on each regulated entity during Fiscal Year 2018. On or before August 1, 2018, the Public Service Commission shall report these findings to the House of Representatives' Public Utilities Committee.

**SECTION 11.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.



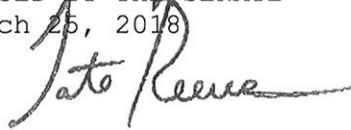
**SECTION 12.** This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 25, 2018



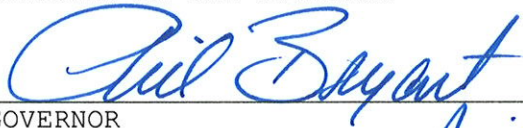
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 26, 2018



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

*April 11, 2018  
10:32am*